

REMARKS

I. Status of Application

Claims 1-19 are all the claims pending in the application. Claims 1-19 presently stand rejected.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4-10 and 14-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murakami (6,995,858) in view of Haines (6,370,341). Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murakami in view of Haines and further in view of Phillips (2002/0186406). Claims 11-13 and 17-19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Murakami in view of Haines and further in view of Ulrich (2005/0151641). Applicant respectfully traverses all of these rejections for *at least* the reasons set forth below.

A. Independent Claim 1

Independent claim 1 recites (among other things):

...a registration date storing device, which stores, regarding each of the plurality of consumable items, a latest date when a warning notice is given to the user regarding the respective consumable item..

Claim 1 is patentable *at least* because the cited references fail to teach or suggest the above features. The Examiner relies on column 9, lines 43-48 of Murakami as allegedly teaching or suggesting the above features. Applicant respectfully disagrees.

Column 9, lines 43-48 of Murakami merely describe a timing for displaying status. Specifically, Murakami teaches that the host computer 3000 displays the status either “periodically,” “continuously” or “at a timing designated by the user.” Any timing described as “periodically” or “continuously” is plainly not the same as the timing of a warning notice as recited in claim 1. Moreover, a specific explanation of timing described as “a timing designated by the user” has not been demonstrated in the cited Murakami reference. Therefore, the cited references fail to teach or suggest a registration date storing device, which stores, regarding each of the plurality of consumable items, a latest date when a warning notice is given to the user regarding the respective consumable item, as recited in claim 1, for *at least* these reasons.

The grounds of rejection allege that Murakami teaches the ability to warn periodically based on the user’s settings. However, the grounds of rejection have failed to identify any such teaching or suggestion. Column 9, lines 43-48 of Murakami, which are relied upon by the grounds of rejection, merely teach displaying status either periodically or at a timing designated by the user. The grounds of rejection do not identify any aspect of Murakami that teaches the ability to warn periodically based on the user’s settings as alleged.

Further, the allegations in the grounds of rejection that Murakami inherently teaches the storage of a latest date of warning are unsupported. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To the contrary, in relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

Here, Murakami teaches displaying status either periodically or at a timing designated by the user. That Murakami teaches displaying status at a timing designated by the user does not necessarily mean that a latest date when a warning notice is given to the user regarding the respective consumable item is stored, as recited in claim 1. Quite to the contrary, as taught in Murakami, the warning timing designated by the user may be a time when the remaining toner reaches a certain predetermined amount (*see e.g.*, column 10, lines 7-9; FIG. 9). In such a case, a latest date when a warning notice is given to the user regarding the respective consumable item is not stored. Therefore, the features of a registration date storing device, which stores, regarding each of the plurality of consumable items, a latest date when a warning notice is given to the user regarding the respective consumable item, are not inherently taught by Murakami for *at least* these additional reasons.

Moreover, it would not have been obvious for a skilled artisan to modify the teachings of Murakami to arrive at the claimed registration date storing device. As explained on page 2, line 16 – page 3, line 10, of the specification, in conventional devices, if a consumable item has a setting of “the notice is given,” then the user is notified again and again that the consumed level is in advanced stage and this may be annoying for the user. Further, in conventional devices, if the setting of “the notice is not given” is made in order to avoid such annoyance, it is not possible for the user to know the fact that the consumed level is in advanced stage, resulting in inconvenience for the user. In order to address these long-felt but unresolved disadvantages of conventional devices (and other disadvantages), claim 1 recites (among other things) the features of a registration date storing device, which stores, regarding each of the plurality of consumable

items, a latest date when a warning notice is given to the user regarding the respective consumable item. Murakami nowhere teaches or suggests these features.

Finally, there would have been no reason for a person of ordinary skill in the art to combine the teachings of Murakami and Haines in the specific manner proposed by the grounds of rejection. For example, column 9, lines 54-66 of Haines teaches that the inventory status message 60 is provided in the form of an e-mail message and that the inventory status message includes quantity of each imaging consumable. Furthermore, column 5, line 55 - column 6, line 4 of Haines teaches that the supply areas 34 include one or more device 10 and that the inventories 36 include one or more imaging consumable usable by associated image forming devices 10 of the respective supply areas 34. In other words, Haines suggests supplying the inventories of the consumables usable for each of a plurality of devices 10 provided in each of supply areas 34 collectively. Thus, one of ordinary skill in the art would have recognized that the technology disclosed by Haines is suited for managers.

In contrast, illustrative embodiments of the present invention are directed to displaying the status of a plurality of consumables used for a single printer. Thus, one of ordinary skill in the art would have recognized that illustrative embodiments of the present invention are suited for general individual users (i.e., not suited for managers). Accordingly, one of ordinary skill in the art would not have had any reason to look toward the teachings of Haines to arrive at the recitations of claim 1 for *at least* these reasons.

Moreover, the dependent claims 2-4 and 8-13 are patentable *at least* by virtue of their dependency. As such, Applicant respectfully requests that the Examiner withdraw these rejections.

B. Independent Claim 5

In view of the similarity between the recitations of claim 5 and the recitations discussed above with respect to claim 1, Applicant respectfully submits that arguments analogous to those presented above with respect to claim 1 demonstrate the patentability of claim 5. Further, the dependent claims 6-7 and 14-19 are patentable *at least* by virtue of their dependency. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Andrew J. Taska /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Andrew J. Taska
Registration No. 54,666

Date: November 17, 2008